

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GLORIA V. *as parent/guardian/next friend of*
B.V., *a minor individual with a disability,*

Plaintiff,

v.

WIMBERLEY INDEPENDENT
SCHOOL DISTRICT,

Defendant.

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1:19-CV-951-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendant Wimberley Independent School District’s (“WISD”) Motion for Judgment on the Administrative Record, (Dkt. 32), and Plaintiff G.V.’s Motion for Judgment on the Administrative Record, (Dkt. 34). (R. & R., Dkt. 52). In his report and recommendation, Judge Lane recommends that the Court grant WISD’s Motion for Judgment on the Administrative Record, (Dkt. 32), deny G.V.’s Motion for Judgment on the Administrative Record, (Dkt. 34), affirm the Special Education Hearing Officer’s (“SEHO”) decision in its entirety, deny all relief requested by G.V., and enter final judgment in favor of WISD. (*Id.* at 37). G.V. timely filed objections to the report and recommendation. (Objs., Dkt. 53).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because G.V. timely objected to each portion of the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules G.V.’s objections and adopts the report and recommendation as its own order with one clarification: while

the Court adopts Judge Lane's conclusion that the SEHO did not err in assigning G.V. the burden of providing additional information relating to the underlying theft that occurred during summer break, (R. & R., Dkt. 52, at 27–30), the Court does so without adopting Judge Lane's specific analysis regarding the lack of testimony from B.V., who was a high school student at the time. The Court adopts Judge Lane's other findings and analysis in support of that conclusion.

For these reasons, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 52), is **ADOPTED** with the clarification noted immediately above.

Accordingly, **IT IS ORDERED** that WISD's Motion for Judgment on the Administrative Record, (Dkt. 32), is **GRANTED**; G.V.'s Motion for Judgment on the Administrative Record, (Dkt. 34), is **DENIED**; and the SEHO's decision in its entirety is **AFFIRMED**.

The Court will separately enter final judgment in favor of WISD.

SIGNED on February 26, 2021.

A handwritten signature in blue ink, appearing to read "R. Pitman", with a horizontal line extending to the right.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE